Missouri Department of Natural Resources
"Integrity and excellence in all we do"

Hazardous Waste Resource Recovery

Hazardous Waste Program technical bulletin 7/2003

The Missouri Department of Natural Resources' Hazardous Waste Program wrote this technical bulletin for Missouri facility owners and operators. It is a summary of the Hazardous Waste Management Regulations found at 10 CSR 25-9.020. Missouri citizens looking for general information on resource recovery should ask for the fact sheet *Hazardous Waste in Missouri* (Pub919) from the department's Outreach and Assistance Office.

Applicability

This rule applies to Missouri facilities that reclaim or reuse hazardous wastes or transform hazardous wastes into new products that are not hazardous wastes. Reclamation qualifies as a hazardous waste resource recovery process under 10 CSR 25-9.020 if these conditions are true:

- Being reclaimed, reused or transformed to a new product, which is not a hazardous waste, recycles the material.
- The spent material is a solid waste and a hazardous waste, as defined in 40 CFR 261 and modified by 10 CSR 25-4.261.

The Hazardous Waste Management Regulations define a spent material as "a material that has been used and, as a result of contamination, can no longer serve the purpose for which it was produced without processing".

Exempt Facilities

This rule does not apply to facilities that do one of the following:

- Operate under the terms of a hazardous waste treatment permit
- Manage recyclable materials used for precious metal recovery under 40 CFR 266.70 as included by reference in 10 CSR 25-7.266(1)
- Manage used oil under 40 CFR Part 279 as included in 10 CSR 25-11.279
- Operate a totally enclosed treatment facility under 40 CFR 264.1(g)(5) as included by reference in 10 CSR 25-7.264(1)

To be considered totally enclosed, a treatment facility must be directly connected to a process that creates a product, byproduct, intermediate or a material that is used back in the process. The treatment facility must be completely contained on all sides and operated in a way to prevent escape of waste to the environment even during abnormal conditions or process upset. This definition limits a totally enclosed treatment facility to pipelines, tanks and other tank-like equipment. Claims of being totally enclosed must be supported by documentation that there is no predictable release of any hazardous waste from the unit by leakage, spills or emissions.

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Recycled Paper

Resource recovery facilities that reclaim less than 1,000 kilograms of a hazardous waste a calendar month are also exempt. The facility should keep records of the amount and type of wastes recovered at least annually in order to show that it remains quantity exempt from certification requirements. An exempt facility must notify the Department of Natural Resources (department) of their status, as described in 10 CSR 25-9.020(2).

Certified Facilities

Facilities that are not exempt must send the department an application for a resource recovery certificate 90 days before starting their operation. A resource recovery certificate is a type of formal approval resembling a permit. The application must include a cost estimate for closure of the resource recovery process and a financial assurance mechanism, as well as the information described in 10 CSR 25-9.020(3). The financial assurance mechanism proves that the facility has money available to cover the closure cost estimate, even in case of bankruptcy.

The facility must also pay the following fees when they submit the application, according to 10 CSR 25-9.020(4) and section 260.395.14(2) RSMo:

- $500 if the application is for a resource recovery facility that reclaims or recycles hazardous waste on site under 10 CSR 25-9
- $1,000 if the application is for a resource recovery facility that is a mobile unit or receives hazardous waste from off site for reclamation or recycling under 10 CSR 25-9
- All related costs for engineering and geological reviews under 10 CSR 25-7.270(2)(B)9, 10 CSR 25-9.020(5) and as required by sections 260.395.7(7) and 260.395.14(2) RSMo.

The department reviews the application to make sure it follows all hazardous waste regulations. The department then classifies the facility as a U, R1 or R2 facility based on the type of wastes accepted and the method of management. U facilities use, reuse, reclaim or recycle more than 1,000 kilograms of on-site hazardous waste in a calendar month. R1 facilities are mobile recycling processes that recycle hazardous waste for reuse at the generator's site and do not involve reuse off site. R2 facilities accept hazardous waste from off site.

The department must issue a resource recovery certificate if the application meets all legal requirements. The certificate may contain site specific conditions that the facility must follow in order to protect human health and the environment. The certificate is valid for a period of two calendar years from the date it was issued. The facility must submit an application to renew the certificate at least 90 days before the expiration of their current certificate.

Operating Standards for All Certified Resource Recovery Facilities

A certified facility must notify the department at least 60 days before a major change and at least 30 days before a minor change at the facility. A partial list of examples is located under 10 CSR 25-9.020(3)(E). No changes can occur until the facility has received the department's approval. All approved modification acknowledgement letters for the resource recovery facility must be kept with the certificate.

Certified facilities must also comply with the manifest system under 10 CSR 25-7.264 and the operating record requirements under 10 CSR 25-7.264(2)(E)2. They must keep a record of all hazardous wastes received and their disposition. They must also keep all records required by the site-specific conditions listed in their certificate. All certified facilities must submit to the department an annual report containing the type and amount of wastes processed.

How to obtain copies of hazardous waste laws and regulations

- *Missouri Revised Statutes*, including the *Missouri Hazardous Waste Management Law*, are available from the Reviser of Statutes at (573) 526-1288 or online through the Missouri General Assembly Web site at www.moga.mo.gov.
- Missouri *Code of State Regulations* is available from the Missouri Secretary of State's Office at (573) 751-4015 or online at www.sos.mo.gov/adrules/csr/csr.asp.
- Code of Federal Regulations is available online at www.access.gpo.gov/nara/cfr/index.html. Copies may be purchased from a U.S. Government Bookstore, the U.S. Government Printing Office or from a commercial information service such as the Bureau of National Affairs.

For More Information

Missouri Department of Natural Resources
Hazardous Waste Program
Permits Section
P.O. Box 176
Jefferson City, MO 65102-0176
1-800-361-4827 or (573) 751-3553
www.dnr.mo.gov/alpd/hwp/permits.htm